THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 24115 OF 2006

Between:

K. Bhadraiah
S/o K.Ramachandraiah,
Wanaparthy.

… Petitioner

And :

The Special Deputy Collector/
Land Acquisition Officer,
Rajeev Gandhi Lift Irrigation Scheme
Project II, Pebbair, Mahabubnagar District,
And others.

… Respondents

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ORAL ORDER :

Pursuant to the Draft Notification u/Sec. 4(1) of the Land Acquisition Act 1894 ('the Act') dated 7.7.2006 certain lands were proposed for acquisition for excavation of the gravity canal under the Rajeev Gandhi Lift Irrigation Scheme Project II. Enquiry u/Sec. 5A of the Act was dispensed with by invoking the urgency clause and possession has also been taken.

The petitioner claims that respondents 2 and 3 are his brothers and the 4th respondent his mother and they all are the owners and joint possessors of the family property including the land acquired. According to the petitioner he sought a partition of the ancestral property. There being no acceptance of this request, the petitioner filed OS No.1 of 1998 on the file of the

Senior Civil Judge, Wanaparthy seeking partition and separate possession of the suit schedule property. The said suit was decreed on 9.6.2000 and the petitioner was allotted 1/5th share in the 'A' schedule property, which includes the lands acquired, is the assertion herein.

The petitioner submitted a representation to the 1st respondent on 10.8.2006 followed by a subsequent representation on 30.10.2006 seeking that he may be permitted to participate in the award enquiry in view of the judgment and decree in OS No. 1 of 1998. There being no response and apprehending that the entire compensation would be paid to the other joint owners excluding the petitioner, the writ petition is filed.

On instructions, the learned Government Pleader for Land Acquisition states today that no award has yet been passed and that the 1st respondent would certainly entertain any objections or claims submitted by the petitioner and if there is serious contest on the entitlement to compensation, the 1st respondent would consider referring the matter to a Civil Court u/Secs. 30 and 31 of the Act. To facilitate the petitioner to participate in the award enquiry, the learned counsel for the petitioner requests that the 1st respondent be directed to issue a notice to the petitioner as to the award enquiry. Learned Government Pleader has no objection to this course of adjudication.

In the above circumstances, the writ petition is disposed of directing the 1st respondent to issue a notice to the petitioner intimating the date of the award enquiry, calling upon him to submit his claims or objections to the determination of the compensation. The 1st respondent is also directed to consider any claims or objections that may be submitted by the petitioner

and pass appropriate orders in the award enquiry, in accordance with law.

The writ petition is disposed of as above. No order as to costs.

Dated: 22.11.2006 ----------

CC as soon as possible Justice G. Raghuram

B/o

Tsnr